

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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<b>Ellen Gerhart, et al.,</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>17-cv-1726-YK</b>
	:	
<b>v.</b>	:	
	:	
<b>Energy Transfer Partners, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

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**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2020, upon consideration of Plaintiffs' Motion to Dismiss Sunoco's Counterclaim, and any opposition thereto, it is hereby ORDERED that Plaintiffs' motion is GRANTED. Sunoco's Amended Counterclaim (ECF No. 101) is dismissed WITH PREJUDICE.

By the Court:

\_\_\_\_\_, J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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<b>ELLEN GERHART, et al.</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Plaintiff,</b>	:	<b>17-cv-1726-YK</b>
	:	
<b>vs.</b>	:	
	:	
<b>ENERGY TRANSFER</b>	:	
<b>PARTNERS, LP, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

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**PLAINTIFFS' MOTION TO DISMISS DEFENDANT SUNOCO'S  
COUNTERCLAIM PURSUANT TO RULE 12(B)(6)**

Plaintiffs, by and through their undersigned counsel, and for the reasons set forth more fully in their brief to be submitted in support of the motion, hereby moves, pursuant to Rule 12(b)(6), to dismiss the amended counterclaim of defendant Sunoco (ECF No. 101), and respectfully requests the Court enter the accompanying order.

Pursuant to L.R. 7.3, attached hereto are the exhibits Plaintiffs will rely on in support of the motion.

Respectfully submitted,

WILLIAMS CEDAR

/s/ CHRISTOPHER MARKOS

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Dated: June 16, 2020

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*Attorneys for Plaintiffs*

**CERTIFICATE OF CONCURRENCE**

In accordance with this Court's Local Rules, counsel for Plaintiffs has sought the concurrence of counsel for all defendants for the relief requested herein. Sunoco does not concur in this motion, and counsel has not yet received a response from the remaining parties.

/s/ Christopher Markos  
Christopher Markos  
Attorney for Plaintiffs

Dated: June 16, 2020

**CERTIFICATE OF SERVICE**

I, Christopher Markos, Esquire, hereby certify that on this date, I served a copy of the foregoing document, via the Court's Electronic Case Filing system, and that it is available for viewing and downloading therefrom by Counsel for defendants, in accordance with Fed. R. Civ. P. 5(b)(2)(E) and Local Rule 5.7.

/s/ Christopher Markos  
Christopher Markos  
Attorney for Plaintiffs

Dated: June 16, 2020